

**Livable Delaware Advisory Council
December 8, 2003
Paradee Center, Dover**

Minutes

The Governor's Advisory Council on Planning Coordination held a meeting on Monday, December 8, 2003 at the UofD Paradee Center, State Personnel Training Center, Dover, Delaware.

Members Present:	Lt. Governor John Carney, Chair Joe Carrado Secretary Nathan Hayward Secretary John Hughes Mayor James Hutchinson Randy Marvel Director Judy McKinney Cherry Robert McLeod Paul Morrill Ken Murphy Richard Pryor Lori Spagnolo Robert Stickels Senator Robert L. Venables
Members Absent:	Lee Ann Walling Sherry Freebery Joe Myer Marty Ross Representative Roger Roy Secretary Michael Scuse Rick Woodin
Others Present:	Charles Baker, New Castle County Brian Cabaugh, Consulting Engineering Phil Cherry, DNREC Kevin Coyle, DNREC Doug Gramiak, Lt. Governor's Office Dave Hill, Budget Office Kim Hoey, First State Manufactured Housing Assoc. Connie Holland, OSPC Karen Horton, Housing Authority Herb Inden, OSPC C. Scott Kidner, Del. Assoc. of Realtors Andrea Kreiner, Governor's Office Steve Lefebvre, HBA/DE Mike McGrath, DDA Kevin McSweeney, SFMO Dorothy Morris, OSPC Mike Petit deMange, Kent County Bryan Sullivan, Budget Office Bert Scoglietti, Budget Office Gail Van Gelder, Delaware Greenways Ron Vickers, DNREC

CALL TO ORDER

Mr. Carney welcomed everyone to the meeting and went over the agenda items. Mr. Carney turned the meeting over to Mr. Hughes from DNREC to discuss the first agenda item, the Green Infrastructure Sub-committee recommendations.

GREEN INFRASTRUCTURE SUB-COMMITTEE

Mr. Hughes gave a brief description of the work done by the Green Infrastructure Sub-Committee to date and stated that the purpose of this meeting was to consider the recommendations set forth by that committee, with the fifth recommendation requiring the most explanation and the most detail. The sub-committee has prepared a presentation on the fifth recommendation to help the council understand.

Mr. McGrath from the Department of Agriculture gave a presentation on the fifth recommendation and gave an overall view of the acreage goal recommended by the Green Infrastructure Sub-Committee as 530,000 acres. (Copy attached)

The presentation went over the status of Delaware cropland, forestry, and natural areas. Within the status report, Mr. McGrath noted the goals set forth by the Secretary of Agriculture and the Secretary of Natural Resources for each type of land.

Mr. McGrath discussed what it would take financially each year to reach the goals set forth by the committee.

To preserve 50% of the remaining cropland it would take \$53,000,000 but it is understood that in the current program there is a 50% discount, which takes it to 26,500,000. To preserve 10,800 acres it would cost an average of \$2,450 per acre.

To preserve 50% of the remaining forestland it will cost \$8,500,000 in the first year. This will preserve 3,750 acres at a cost of about \$2,270 per acre.

To preserve 100% of the remaining natural areas will take \$25,000,000 (this does not include the current 9 million, which the open space council currently utilizes from funds earmarked on the real estate transfer tax. As 13, 235 acres will be preserved, they can be obtained at an average cost of \$1,890 per acre.

Today, Mr. McGrath is proposing to combine the three programs to preserve, by 2024, 400,000 acres of cropland, forest and natural areas. One hundred thousand acres will be preserved in the next five years and 20,000 acres will be preserved in the first year at an average cost of \$2,500 per acre. This brings the needed funds for the first year to \$50,000,000.

In conclusion, Mr. McGrath explained that this covers 400,000 acres of the total 530,000 acres and the other 130,000 acres will be acquired by other sources such as DelDOT, land trusts, federal funds, TDRs, and local governments, etc.

After some confusion regarding the written recommendations, it was explained that the following should be preserved:

Cropland 10,800 acres per year x20 years	=	216,000
Forested 3,750 acres per year x20 years	=	75,000
Natural areas 13,325 acres per yr x20 yrs	=	<u>266,500</u>
Total preserved over 20 years		557,500

This includes 400,000 to be preserved with state funds and 130,000 to be preserved with other funding sources as noted before.

Mr. McGrath noted that there is overlap because many properties will contain cropland and natural areas or forest and natural areas.

Mr. Hayward stated that this needs to be understandable to the general public.

Mr. McGrath also noted that the areas proposed for preservation does not include any area inside the growth areas of the Strategies for State Policies and Spending.

After much discussion about the number of acres proposed for preservation and the amount of money it will take to preserve this land, Mr. Carney reminded the committee that the goal of the Livable Delaware Advisory Council is to review the recommendations from the Green Infrastructure Sub-Committee and make a recommendation to the governor regarding their findings.

Mr. Stickels asked where the state funding was coming from. Mr. Hughes stated that he would not allow the sub-committee to make a recommendation as to where it should come from. Mr. Carney stated that the sub-committee set a goal for the next 20 years with the understanding that \$50 million will not go as far in 20 years.

Mr. Carney stated that it might help to look at this from the goals perspective. He does not feel that having a goal of 100% of the natural areas, areas that will not be under a great deal of development pressure, does not make sense because if you buy land in the other two areas, you will also be buying natural areas.

Mr. McGrath explained that the sub-committee is saying that some of this will be bought fee simple where there is a need for public access for hunting or some other reason. This is the one particular category where public access continues to remain a priority over the next twenty years. Easements, though they may not seem to be necessary, there are two things to be said for them. One, these lands are relatively inexpensive to put an easement on. Two, the state knows from experience that we lose several thousand acres of wetlands to draining each year and these are the types of protections that could be afforded to some of these key dispersed freshwater wetlands through easements. So it is clear that it will be a combination. Some of these acres are going to be acquired fee simple for that public access.

Mr. Carney stated that if that is the case, you don't have to go to a funding piece of the proposal to make the map work. It can't be explained so it will come out right. The Committee should be able to sort out a recommendation on the funding side that is a reachable goal and one that is not unreasonable.

Mr. McGrath asked if you build it from the acres or the budget.

Mr. Carney stated that he thought he knew how the decision makers are going to look at it but he isn't sure that should be this committees approach.

It was clarified that the sub-committee intends to set a goal of 100,000 acres over the next five years. That translates to \$50 million a year.

Mr. Morrill asked if this is approved, is the state writing off growth areas of the strategies. Mr. McGrath stated that only for ag land. There are some key natural areas inside the growth areas that will be the subject for things like parks, greenways and corridor preservation.

Mr. Carney stated that the Green Infrastructure Sub-Committee has done a great job of outlining the need and what is out there and breaking it down to say that this is a very important public policy objective that the governor should get behind and recommending that the council make that recommendation to her. Mr. Carney feels that this is something that should be followed through. Part two of this is the tricky part. The council does not have to say anything about funding or you can set a funding limit.

Mr. Hayward stated that he feels it is more realistic to say that the state should increase Delaware's investment in open space preservation from X (figure spend today) to Y and given that increase in appropriations, shape Delaware's investments in the following categories and then list these three categories. Mr. Hayward noted that he feels that a financial goal should be set first because an acreage goal assumes the state has willing sellers. Ms. Walling stated that having an acreage goal allows you to envision an outcome. Mr. Hayward stated that acreage goals are nice but monetary goals are more practical.

Ms. Holland stated that the criteria should include the preservation of the best land, not the cheapest land. Mr. Carney stated that he feels that recommendation #3 covers that issue. Mr. Hughes stated that the criteria would include a weighted system to determine what should be sold.

Mr. Carney stated that in relation to recommendation #5 there are two options. One is to take the 258,000 acre number and change it to 100,000. The second would be to take the approach that would include all the numbers and goals on the whereas side and then suggest an increase in the amount of money invested by the state. Mr. Hayward stated that he feels that it should be clear what percentage of money would go to each category.

Ms. Spagnolo stated that the five-year goal should be aggressive and should be 258,000.

A motion was made by Mr. Hughes, seconded by Sen. Venables, to adopt a five-year goal to permanently protect 258,000 acres of natural resources, recreational land and working lands.

Vote: 1 in favor
15 against

Motion failed

A motion was made by Ms. Walling, seconded by Mr. Pryor, that based on an identified need to preserve 530,000 acres the Livable Delaware Advisory Council suggests adopting a five-year goal to permanently protect 100,000 acres of natural resources, recreational lands, and working lands and continue consideration of a dedicated revenue source to make these purchases possible.

Discussion: It was discussed that the money should not come from a designated group, but rather from the general fund.

Sen. Venables stated that the recommendations made today are very important because the state needs to get this land now before it is gone.

Mr. Carney stated that all of the sub-committee work and background will be submitted to the governor with the recommendation.

Mr. McGrath noted the 100,000 acres is what was being recommended for the state to base funding allocations. The five-year goal is actually a little more than 132,000 acres in order to get to the 530,000 target over 20 years. Of the 132,000 acres, approximately 100,000 acres would be targeted for acquisition of conservation easements and some fee simple. The remaining acres would be conserved through some other means.

Vote on original motion	12 in favor
	0 against
	4 abstained

Ms. Walling passed out a handout of possible annexation requirements that were brought to her for possible legislation. She noted that the governor, this council and State Planning do not necessarily support these suggestions but she would hand them out for discussion. Ms.

Walling stated that not only New Castle County suffers financially with an annexation; Mr. Stickels (Sussex) has some real concerns as well. Mr. Stickels also stated that there have been some land use concerns for the fact that towns that do not have someone to answer the phones can annex and double the size of the town although they do not have the capacity to deal with it.

Mr. Stickels stated that he has discussed the proposed requirements with several mayors and they did not think the state and county should be telling them when they should hire staff or buy trash trucks.

Ms. Walling stated that she does not want to raise the bar so high that even good annexations are discouraged.

Ms. Walling stated that the sub-committee does not meet anymore but she would be glad to bring them back together. Ms. Walling asked everyone to look at the handout and it would be discussed at the next meeting.

Ms. Holland stated that she has had some mayors look at this as well and they feel it is very top down. Ms. Holland stated that is not what her office would support but she does feel the enclave legislation is very important to municipalities.

Mr. Stickels stated that it was not meant to be all encompassing; it is just a few examples of possible requirements.

OTHER BUSINESS

None

NEXT MEETING

Monday, January 12, 2004, Paradee Building, Dover 1:00 p.m.

ADJOURNMENT

With no further business, the meeting was adjourned at 3:40 p.m.